

*Changes to legislation:* There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Paragraph 3. (See end of Document for details)

## SCHEDULES

### <sup>F1</sup> SCHEDULE 2

#### CONSTITUTION AND PROCEEDINGS OF BOARDS OF MANAGEMENT

##### Textual Amendments

**F1** Sch. 2 wholly in force at 16.5.1992 see s. 63(2) and [S.I. 1992/817](#), art. 3(2), [Sch. 1](#).

##### *Membership*

- <sup>F13</sup> (1) The board of a regional college is to consist of no fewer than 15 nor more than <sup>F2</sup>20 members.
- (2) The board is to be comprised of—
- (a) a person appointed by the Scottish Ministers to chair meetings of the board (the “chairing member”);
  - (b) the principal of the college;
  - (c) a person appointed by being elected by the teaching staff of the college from among their own number;
  - (d) a person appointed by being elected by the non-teaching staff of the college from among their own number;
  - <sup>F3</sup>(da) a person appointed by being nominated by a trade union from among the teaching staff of the college who are members of a branch of a trade union that has a connection with the college;
  - (db) a person appointed by being nominated by a trade union from among the non-teaching staff of the college who are members of a branch of a trade union that has a connection with the college;]
  - (e) two persons appointed by being nominated by the students' association of the college from among the students of the college; and
  - (f) other members appointed by the board.
- <sup>F4</sup>(2A) For the purposes of sub-paragraph (2)(da) and (db), a trade union nominating a person from among a category of staff must be one that—
- (a) is recognised by the board in relation to the category of staff (within the meaning of section 178(3) of the Trade Union and Labour Relations (Consolidation) Act 1992); or
  - (b) otherwise appears to the board to be representative of the category of staff, having regard to all relevant factors.]
- (3) An appointment made in pursuance of sub-paragraph (2)(f) has effect only if approved by—
- (a) the chairing member; and
  - (b) the Scottish Ministers.

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- (4) A person is not eligible for appointment as the chairing member under subparagraph (2)(a) if the person is—
- (a) a member of the Scottish Parliament;
  - (b) a member of the House of Lords;
  - (c) a member of the House of Commons; [<sup>F5</sup>or]
  - (d) a member of the European Parliament; <sup>F6</sup>...
  - <sup>F6</sup>(e) .....

but such a person may otherwise be appointed as a member of the board.

[<sup>F7</sup>(5) In relation to the board of New College Lanarkshire, this paragraph is to be read subject to the modifications set out in article 5(2) of the Lanarkshire Colleges Order 2014.]]

#### Textual Amendments

- F1** Sch. 2 paras. 3-3C substituted for Sch. 2 para. 3 (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 6(1), 23(2)**; [S.S.I. 2014/21](#), art. 2, Sch. 1
- F2** Word in Sch. 2 para. 3(1) substituted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023 \(S.S.I. 2023/363\)](#), arts. 1, **2(2)(a)**
- F3** Sch. 2 para. 3(2)(da)(db) inserted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023 \(S.S.I. 2023/363\)](#), arts. 1, **2(2)(b)**
- F4** Sch. 2 para. 3(2A) inserted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023 \(S.S.I. 2023/363\)](#), arts. 1, **2(2)(c)**
- F5** Word in Sch. 2 para. 3(4)(c) inserted (31.3.2015) by [The Post-16 Education \(Scotland\) Act 2013 \(Modification of Legislation\) Order 2015 \(S.S.I. 2015/153\)](#), art. 1, **Sch. para. 2(3)(a)**
- F6** Sch. 2 para. 3(4)(e) and word preceding it omitted (31.3.2015) by virtue of [The Post-16 Education \(Scotland\) Act 2013 \(Modification of Legislation\) Order 2015 \(S.S.I. 2015/153\)](#), art. 1, **Sch. para. 2(3)(b)**
- F7** Sch. 2 para. 3(5) inserted (1.10.2014) by [The Lanarkshire Colleges Order 2014 \(S.S.I. 2014/250\)](#), arts. 1(1), **5(1)(2)** (as amended (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023 \(S.S.I. 2023/363\)](#), arts. 1, **4(2)**)

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